

JP:CCC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M08-0936

-----X
UNITED STATES OF AMERICA
against -

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF NEVADA

(Fed. R. Crim. P. 5(c))

IAN MICHAEL SMITH,

Defendant.

-----X
EASTERN DISTRICT OF NEW YORK, SS:

THOMAS THOMPSON, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on August 13, 2008, an arrest warrant was issued by the United States District Court for the District of Nevada, commanding the arrest of the defendant IAN MICHAEL SMITH for one count of using a facility and means of interstate commerce to attempt to knowingly persuade, induce, and entice an individual who had not attained the age of 18 years to engage in any sexual activity for which any person can be charged with a criminal offense under federal, state and local law, pursuant to Title 18, United States Code, Section 2422(b).

The source of your deponent's information and the grounds for his belief are as follows:

1. On August 13, 2008, an arrest warrant was issued by the United States District Court for the District of Nevada,

commanding the arrest of IAN MICHAEL SMITH for one count of using a facility and means of interstate commerce to attempt to knowingly persuade, induce, and entice an individual who had not attained the age of 18 years to engage in any sexual activity for which any person can be charged with a criminal offense under federal, state and local law, pursuant to Title 18, United States Code, Section 2422(b). A copy of the complaint and a copy of the arrest warrant from the District of Nevada are attached hereto.

2. On or about October 16, 2008, the FBI for the Eastern District of New York received the arrest warrant for the defendant IAN MICHAEL SMITH from the District of Nevada. A photograph of the defendant was provided as well. The FBI for the Eastern District of New York was informed that the defendant IAN MICHAEL SMITH was being extradited from the United Kingdom and that he would arrive at John F. Kennedy International Airport in Queens, New York, on October 18, 2008.

3. The defendant IAN MICHAEL SMITH was arrested by the FBI at John F. Kennedy International Airport in Queens, New York, on October 18, 2008, on the arrest warrant described in paragraph 1 above.

4. Upon his arrest, the defendant identified himself to the FBI. Furthermore, the FBI for the Eastern District of New York compared the photograph provided by the District of Nevada FBI with the defendant and determined that they are the same person.

WHEREFORE, it is requested that the defendant IAN
MICHAEL SMITH be removed in custody to the District of Nevada.



THOMAS THOMPSON
Federal Bureau of Investigation

Sworn to before me this
20th day of October, 2008
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FBI

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AO 142 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of NEVADA

UNITED STATES OF AMERICA

WARRANT FOR ARREST

v.

IAN MICHAEL SMITH

Case Number: 3:08-mj-0059-BAM

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

IAN MICHAEL SMITH

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court Probation Violation Petition Supervised Release Violation Petition Violation Notice

charging him or her with (brief description of offense)

Coercion and Enticement of a Minor

in violation of Title 18 United States Code, Section(s) 2422(b)

ROBERT A. MCQUAID, JR.

Name of Issuing Officer

Signature of Issuing Officer

UNITED STATES MAGISTRATE JUDGE

Title of Issuing Officer

8-13-08

RENO, NEVADA

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

FILED

1 GREGORY A. BROWER
 2 United States Attorney
 2 RONALD C. RACHOW
 3 Assistant United States Attorney
 3 100 West Liberty Street, Suite 600
 4 Reno, Nevada 89501
 4 (775) 784-5438

AUG 13 2008

U.S. MAGISTRATE/JUDGE
DISTRICT OF NEVADA

DEPUTY

5 Attorneys for Plaintiff

6
 7 **UNITED STATES DISTRICT COURT**
 8
 9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
 11 v.
 12 IAN MICHAEL SMITH,
 13 Defendant.

} 3:08-mj-0059-RAM
 COMPLAINT FOR VIOLATION OF:
 TITLE 18, UNITED STATES CODE, SECTION
 2422(b) - Coercion and Enticement of a Minor

14
 15 BEFORE the United States Magistrate Judge, Reno, Nevada, the undersigned complainant,
 16 being duly sworn, deposes and states:

17 From on or about October 2007 until May 24, 2008, in the State and Federal District of
 18 Nevada, IAN MICHAEL SMITH, defendant herein, did use a facility and means of interstate
 19 commerce, i.e., a computer and internet communications, to attempt to knowingly persuade,
 20 induce, and entice an individual who had not attained the age of 18 years to engage in any sexual
 21 activity for which any person can be charged with a criminal offense under federal, state and local
 22 law, all in violation of Title 18, United States Code, Section 2422(b).

23 Complainant as a Special Agent with the Federal Bureau of Investigation states there is
 24 probable cause to arrest the above named Defendant as set forth in the attached affidavit.

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3 AFFIDAVIT

4 I, Jeff Cotner, Special Agent with the Federal
5 Bureau of Investigation, Las Vegas Division, Reno Resident
6 Agency, being duly sworn, depose and state as follows:

7 (1) Your affiant has been employed as a Special
8 Agent of the FBI for approximately twenty one months. While
9 employed in this capacity, your affiant has been assigned to
10 investigate violations of federal statutes, to include
11 computer crimes, which occur in Northern Nevada.

12 (2) The statements contained in this affidavit are
13 based on my experience and background as a Special Agent and
14 on information provided by other agents and law enforcement
15 officers. Since this affidavit is being submitted for the
16 limited purpose of securing an arrest warrant, I have not set
17 forth every fact resulting from the investigation; rather, I
18 have set forth a summary of the investigation to date in
19 order to establish probable cause to charge Ian Michael
20 Smith, with a violation of Title 18 United States Code 2422
21 (b), Coercion and Enticement.

22 (3) On April 11, 2008, Task Force Officer (TFO)
23 Dennis Carry, Washoe County Sheriff's Office received a phone
24 call from the South Yorkshire Police in the United Kingdom
25 (UK) regarding Nicole Jeffreys intent to travel to Reno,
26 Nevada to meet with Smith. TFO Carry then notified the
27 Federal Bureau of Investigation (FBI) in Reno, Nevada. TFO
28 Carry advised that on April 9, 2008, Jeffreys, a sixteen year

1 old female from the United Kingdom (UK) went to the airport
2 in Birmingham, UK to fly to Reno, Nevada. Jeffreys was
3 stopped at the airport by the Police because she had been
4 reported missing by her mother. The Police prevented
5 Jeffreys from boarding her flight to Reno, Nevada. Jeffreys,
6 had reservations to travel from Birmingham, England to
7 Dublin, Ireland to Los Angeles, California, to Reno, Nevada.

8 (4) Jeffreys was questioned by the South Yorkshire
9 Constabulary when she was stopped at the airport. Jeffreys
10 admitted that she had been chatting online via the internet
11 with a male named Ian Michael Smith who had bought her the
12 ticket to travel to Reno, Nevada. Jeffreys planned to live
13 with Smith and would later move to Costa Rica to avoid Visa
14 controls. Jeffreys advised the South Yorkshire Constabulary
15 that she had some live web cam sessions, and that on at least
16 one occasion Smith masturbated for her, that she has naked
17 photographs of him and that she showed him her breasts.

18 (5) According to the FBI London Legat Office, the
19 South Yorkshire Constabulary was notified that an older male
20 American was looking for Jeffreys at her school prom on or
21 about May 23, 2008. The Police canvassed hotels in the local
22 area and located Smith at a hotel in Mexborough (Jeffreys'
23 home town). Smith was arrested by the South Yorkshire
24 Constabulary on May 24, 2008 for causing a juvenile to watch
25 sexual images (masturbating on a webcam). Smith was advised
26 of his entitlement to free and independent legal advice and
27 he agreed to be interviewed by the South Yorkshire
28 Constabulary. Smith could not recall the exact date when he

1 first learned the age of Jeffreys. However, he stated that
2 he learned her age from October - December 2007. Smith also
3 recalled wishing Jeffreys a "sweet sixteen." Smith was asked
4 by a detective of the South Yorkshire Constabulary, "So when
5 was she due to be sixteen?" Smith replied, "I remember
6 saying you know happy birthday on her sweet sixteenth
7 birthday so I know the date very clearly now and it was also
8 refreshed recently and it was on March sixth."

9 (6) On May 26, 2008, a detailed interview of
10 Jeffreys was conducted by detectives of the South Yorkshire
11 Constabulary. Jeffreys provided the following information
12 about her relationship with Smith: Jeffreys met Smith in
13 October 2007 on a website entitled 'Cheat Happens.' Cheat
14 Happens is a forum where people discuss video games. Smith
15 sent Jeffreys a private message through the website Cheat
16 Happens. Jeffreys advised detectives that Smith told her he
17 was thirty years old. Jeffreys and Smith began communicating
18 through MSN, Instant Messenger. Jeffreys advised that in
19 March - April 2008, Smith masturbated while Jeffreys was
20 watching him through a webcam. Jeffreys also exposed her
21 bare breasts to Smith through a webcam.

22 (7) Jeffreys' mother provided the computer Jeffreys
23 had been using to communicate with Smith to the Police so a
24 forensic examination could be conducted. The South Yorkshire
25 Constabulary were able to recover over 100 pages of chat logs
26 and e-mails between Jeffreys and Smith.

27 (8) Your affiant reviewed the chat logs between
28 Jeffreys and Smith and noticed the following communications:

1 daraknor1@yahoo.com to Jeffreys on February 18, 2008: "i want
2 you to take it up your ass with your legs spread so i can
3 play with your pussy while you pump up and down on top of me
4 with your ass"

5

6 daraknor1@yahoo.com to Jeffreys on April 8, 2008: "soon
7 you'll be a great little cocksucker who will take me down
8 your throat and swallow my cum."

9

The last message was sent the day before Jeffreys was scheduled to fly to Reno, Nevada. Smith advised detectives in his interview that he always uses the username Daraknor to log onto the internet. Smith also confirmed that he uses the screen name Daraknor1 on Yahoo. (The typist spelled the screen name Dalaenor one on the transcript, but the affiant believes they are talking about the same screen name). Internet Searches of the profile daraknor1@yahoo.com were conducted by the National Center for Missing and Exploited Children. The results returned a profile registered to an Ian, who is male and single. The affiant has read the sexually explicit messages which were found in the chat logs that were recovered by the South Yorkshire Constabulary on Jeffreys computer. These chat logs and e-mails document the sexual messages sent, pictures sent and the plans for Jeffreys to travel to Reno, Nevada to engage in sexual activity with Smith.

27 (9) Smith stated in an interview with the South
28 Yorkshire Constabulary that he thinks he used his credit card

1 to book a flight for Jeffreys to fly to Reno, Nevada on April
2 9, 2008. A copy of this itinerary was found in Jeffreys' e-
3 mail inbox and was provided to the affiant by the South
4 Yorkshire Constabulary. The itinerary confirms that a credit
5 card ending in 2225 was used to purchase the flight. Smith
6 provided a credit card number ending in 2225 and billing
7 address to Jeffreys in a chat conversation on April 8, 2008.

8 (10) Smith advised detectives of the South
9 Yorkshire Constabulary that he had been living with Scott
10 Reimers and Misty Grayknights in Reno, Nevada. The affiant
11 located and interviewed Reimers and Grayknights at 13680
12 Mount Babcock Street, Reno, Nevada. Based on interviews with
13 Smith's roommates, Smith discussed with them flying Jeffreys
14 from the United Kingdom to Reno, Nevada. Smith asked Misty
15 Grayknights and Scott Reimers if Jeffreys could stay with
16 them at their house in Reno, Nevada. Grayknights asked Smith
17 the age of Jeffreys assuming she was in her twenties. Smith
18 said she's legal in the UK, but not in the United States.
19 Smith then advised Grayknights that Jeffreys was sixteen.
20 Reimers and Grayknights were not happy when they found out
21 the age of Jeffreys. Reimers and Grayknights advised Smith
22 that if Jeffreys was going to come to their house in Reno, NV
23 that Jeffreys needed to have a return flight back to the UK.
24 Reimers and Grayknights also advised Smith that Smith and
25 Jeffreys were not to have sex in their house.

26 (11) Based on the above mentioned facts, your
27 affiant believes he has reasonable grounds and probable cause
28 to believe that Ian Michael Smith has committed the crime of

1 Coercion and Enticement of a minor, in violation of Title 18,
2 United States Code, 2422 (b), and therefore requests an
3 arrest warrant be issued.

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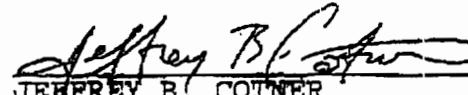
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JEFFREY B. COTNER
Special Agent
Federal Bureau of Investigation
Reno, Nevada

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Subscribed and sworn to before me this 13rd day of August,
2008.

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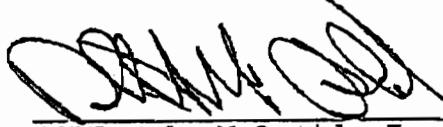
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ROBERT A. McQUAID, JR.
United States Magistrate Judge
Reno, Nevada